

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8346 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHWETAL B GADHVI

Versus

STATE OF GUJARAT

Appearance:

MR HS MUNSHAW for Petitioner
Mr M R Anand, G.P. with Ms. Harsha Devani
AGP for respondents No 1 & 2

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 13/08/96

ORAL JUDGEMENT

By way of this Special Civil Application, the petitioner seeks direction to quash and set aside the scheme evolved by the respondents for obtaining Agreement Bond for the candidates seeking admission for Post Graduate course.

2. The say of the petitioner is that after obtaining the MBBS degree, she has been admitted to the Degree Course of Diploma in Paediatric in B J Medical College, Civil Hospital, Ahmedabad. At the time of admission, she has been asked to execute a bond that she will serve for a period of 3 years as Class II Medical Officer(General Practitioner) in rural and tribal areas on completion of P.G. course or pay Rs.75,000/- in lieu of serving for 3 years in rural and tribal areas.

3. It is contended by Mr H S Munshaw, learned Advocate for the petitioner that imposing of condition to serve in the rural/tribal areas as Class II Medical Officer or as a General Practitioner after Post Graduation is illegal, unjust and arbitrary for the reason that a Doctor who acquires specialisation in any of the branch like Ophthalmologist, Orthopaedics, General Surgery, Dermatologist, Radiatric etc. will have to work as Class II Medical Officer and that too as a General Practitioner in rural/tribal areas, which will ultimately not only results into monetary loss, but also deprives her of the benefits of her specialisation, knowledge which she acquired during the Post Graduation.

4. Mr Punaji M Asari, Under Secretary, Department of Health and Family Welfare, State of Gujarat has filed affidavit in reply to the petition. It is stated that the State Government incurs huge expenditure for imparting medical education at both undergraduate and post graduate levels. This expenditure is made out of the public funds. In view of this they are being asked to give some services to the public and particularly in rural areas for some time. It is also submitted that it is expected from the Doctors even on humanitarian ground to volunteer their services for the people living in the rural areas. The Government had to evolve the scheme binding the Doctors by asking them to execute a bond because Doctors are not willing to serve in rural rural areas. It is also pointed out that the controversy involved in this Special Civil Application has been covered by the decision of this Court rendered on 13.4.1994 in Special Civil Application No. 3819/94 and allied matters.

5. Having heard Mr Munshaw, learned Advocate for the petitioner and Mr M R Anand, learned Government Pleader with Ms. Harsha Devani, learned AGP, I am of the view that there is no merit in this Special Civil Application and the same deserves to be dismissed.

6. It goes without saying that the State Government is spending huge amount on the medical education may be at the graduation or post graduation level. A policy decision has been taken by the Government keeping in view the welfare of the people iliving in the rural area as well. This policy decision in no way can be said to be arbitrary or unjust. If the Doctors are not prepared to execute the bond and thereby do not intends to serve in the rural areas, there is no compulsion for him/her to join the Post Graduate Course in any College run by the State Government.

7. I am in complete agreement with the view expressed by CK Thakkar, J. in Special Civil Application No.3819/94 and allied matters.

8. In view of the aforesaid, there is no merit in this Special Civil Application and the same is accordingly rejected. The petitioner is allowed two months' time to execute the necessary bond.

Rule discharged with no order as to costs.

...